

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 20050 of 1999

Between:

Gajuwaka Marketing Chillara Varthaka Sangham Rep. by its Secretary
Sri.M.S.Suguneswara Rao
R/o.Balacheruvu Road, New Gajuwaka,
Visakhapatnam. S/o. Late Atchutaramaiah

..... PETITIONER

AND

- 1 Gajuwaka Municipality Rep. by its Commissioner
Gajuwaka, Visakhapatnam District.
- 2 Palla Ravi Kumar S/o. Apparao
R/o. Main Road, New Gajuwaka,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly in the nature of a Writ of Mandamus declaring the inaction of the 1st Respondent against the 2nd Respondent who is illegally collecting the toll (aseel) as per Rule 28-35 in Action Notice from the members of the road margin abutting the private market in Survey No.75/6 (old No.56/2) of Gajuwaka as illegal, arbitrary, malafide and against the provisions of Municipalities Act apart from being unjust and unreasonable and to consequently direct the 2nd Respondent not to collect any aseel from the members of the petitioner Sangham for the goods unloaded on the road margin abutting the said private market and to pass such other and further orders as the court deems fit.

Counsel for the Petitioner: MR.K.SARVA BHOUMA RAO

Counsel for the Respondents : MR.E.SAMBASIVA PRATAP

The Court made the following :

ORAL ORDER

The learned counsel for the petitioner submits that the writ petition has become infructuous. Recording the above said submission the writ petition is dismissed as infructuous. No order as to costs.

ELIPE DHARMA RAO,J

13TH JULY 2005

*TSNR

To

1. The Commissioner, Gajuwaka Municipality, Gajuwaka, Visakhapatnam
2. Two C.D.Copies.